

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

William Henry Strickland, IV,)	C/A No. 6:11-556-JFA-KFM
)	
Plaintiff,)	
v.)	ORDER
)	
H. Wayne DeWitt; Sheriff Cliff McElvogue,)	
Captain, and Tony Riley, Lt., all three persons)	
in their individual and official capacities,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, William Henry Strickland, brings this action under 42 U.S.C. § 1983 contending that the defendants have violated his constitutional rights.

The Magistrate Judge assigned to this action¹ has prepared a thorough Report and Recommendation and opines that the complaint should be dismissed for lack of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on October 27, 2011. Instead of filing objections to the Report, the plaintiff moved for an extension of time to respond to the defendants' motion for summary judgment, contending that he did not receive either of the court's orders of June 28, 2011 (*Roseboro* Order) and September 28, 2011 (order allowing the plaintiff until October 25, 2011 to respond to the *Roseboro* Order).


¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

Out of an abundance of caution, this court allowed the plaintiff an extension of time until December 29, 2011 to file his response to the motion for summary judgment. That deadline has since passed and the plaintiff has again failed to file a response to the motion or the Report and Recommendation. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, this action is dismissed with prejudice for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

January 27, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge